

COMMISSIONER OF  
POLITICAL PRACTICES

STATE ADMINISTRATION

Exhibit No. 2

Date 2-18-15

Bill No. SB 283



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STATE OF MONTANA

February 18, 2015

Honorable Dee Brown  
Chairperson  
Senate State Administration  
Committee

Roger Webb– Vice Chair  
Sue Malek – M. Vice Chair

Members

Robyn Driscoll  
Jedediah Hinkle  
Doug Kary  
Lea Whitford

Re: Senate Bill 283  
Hearing Date: Wednesday, February  
18, 2015 at 3:00 PM  
Sponsor: Senator Brenden

Dear Chairperson Brown and members of the Committee:

The Office of the Commissioner of Political Practices respectfully opposes SB 283 as written. The COPP suggests three changes that would greatly improve SB 283.

First, the COPP suggests that the contributor language of SB 283 be changed from "person" to "individual or political committee." As written SB 283 uses the word "person" to denote those that may contribute to a constituency services account. Under Title 13 "person" includes "...individual, corporation, association, firm,....." §13-1-101(20) MCA. This broad "person" language conflicts with the narrower contributor language ["individual" (human being) or "political committee"] used in the remainder of Chapter 37 of Title 13. Further, the "person" language directly conflicts with the prohibition of direct corporate contributions to a candidate set out in §13-35-227 MCA. We have

discussed this amendment with the bill's sponsor and we believe he is amenable to this amendment.

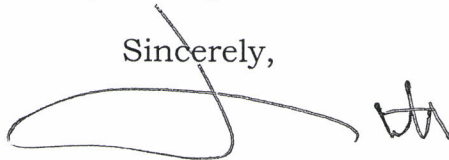
Second, because this constituency account expansion is written only for legislators, the COPP suggests that SB 283 be rewritten to allow constituency account use only during odd-numbered years. This would allow use of the account during and following a legislative session while insuring that there was no crossover campaign use of the account in a re-election campaign during an even numbered year.

Third, the post-election contributions allowed by this statute should be reduced to match those set by §13-37-216 or \$170 for individuals and political committees. Senator Brenden believes that contributions should be allowed in amounts up to \$500 but he determined this amount based solely on his personal experiences and thoughts. In contrast, Montana voters collectively set the §13-37-216 amounts by an initiative vote. This collective determination approach was confirmed in 2012 when Montana voters passed Initiative 166 stating that the election related policy of the State of Montana was, when constitutionally permissible to do so, to promote "...a level playing field in campaign spending..." §13-35-503(2)(e) MCA.

The COPP understands that Montana legislators sacrifice much to serve the people of Montana. Allowing modest post-election fundraising for a constituency services account may make service easier for some legislators. But it should not come at the price of loss of public confidence stemming from the appearance of undue influence. We have not yet passed through the debris trail left by WTP/ATP's corruption of some of Montana's 2008, 2010 and 2012 legislative elections. This addition of post-election fundraising by a sitting public official, if it is allowed, should have the protections listed above.

Thank you for your consideration of the COPP's comments on SB 283.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jonathan R. Motl', with a stylized flourish at the end.

Jonathan R. Motl  
Commissioner of Political Practices